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EEO

Spotlight

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EEO Program Reorganization

President Carter recently sent to Congress a plan to consolidate the many facets of the equal employment opportunity program. The plan lays the foundation for a single, coherent Federal structure to combat job discrimination in all its forms. The plan transfers to the Equal Employment Opportunity Commission (EEOC) several nondiscrimination responsibilities currently held by other governmental units.

The reorganization plan calls for:

- abolition of the Equal Employment Opportunity Coordinating Council and the transfer of its responsibilities to the EEOC;
- transfer of the responsibility for ensuring equal employment opportunity for Federal employees from the Civil Service Commission to the EEOC;
- transfer of responsibility for enforcing the Equal Pay Act and the Age Discrimination in Employment Act from the Department of Labor to EEOC;
- clarifying the Attorney General's authority to initiate "pattern or practice" suits under Title VII against State or local governments;
- transfer of Federal employment of handicapped individuals enforcement functions from the Civil Service Commission to the EEOC.

These proposed changes will be carried out between July 1, 1978 and July 1, 1979. The EEO SPOTLIGHT will provide a progress report of the proposed reorganization in its forthcoming issues.

Handicapped Complaint Procedures

The Civil Service Commission has developed regulations for an administrative complaints procedure for handicapped employees and handicapped applicants who believe that they have been discriminated against with respect to Federal employment because of a physical or mental handicap. The regulations were effective April 10, 1978.

The regulations provide, for the first time, a mechanism by which physically or mentally handicapped Federal employees and applicants can file a complaint of discrimination based on disability with Federal agencies subject to this complaints procedure.

With two variations the new procedure is based on current procedures for processing complaints of discrimination based on race, color, religion, sex, national origin, or age. The authority governing the establishment of the new system is based on Title 5, U.S. Code, Section 7153, Section 791, rather than on the Civil Rights Act,

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ADO's Rights

In an open meeting last October, the Civil Service Commissioners met to discuss the supervisor's right to participate in discrimination complaints where he or she is named as an "alleged discriminating official" (ADO). As a result of that meeting the CSC has recently issued Federal Personnel Manual Letter 713-42 entitled, "Participating in the Discrimination Complaint Process of Persons Named as Alleged Discriminating Officials."

The new instruction points out that an ADO should have more clearly defined rights and a more significant role in the complaints process and that this can be accomplished without undermining the integrity of the complaints process.

CSC Chairman Alan Campbell announced the Commission's decision to issue new guidance in a speech before a recent convention of the National Association of Supervisors-Federal Government stating, "We have been concerned in many instances where supervisors have been accused during a discrimination complaint procedure, but have not had the opportunity to learn the exact nature of charges made against them. In some cases, supervisors have even been required to furnish testimony without having been informed that complaints have implicated them personally in allegedly discriminatory acts."

The new guides specifically call on agencies to: assure that ADO's are informed of any charges made against them and are given a full and fair opportunity to respond to those charges for the record; advise ADO's of their right to have a representative to advise them on answering questions at any stage of the complaint process; permit the alleged discriminating official to see documents in which he or she has been named; and assure that the ADO has the opportunity to testify on any new allegations of

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COIN—A New Communications Concept

The Civil Service Commission has recently approved a pilot communications program designed to strengthen lines of formal and informal communication with community groups that serve the public at large. The pilot program is called Community Outreach Information Network (COIN).

The program is based on several considerations: while many employees are directly recruited by the Federal Government, many others learn of the Federal job process on their own or through associates who are or were Federal employees. Informal lines of communication in the Federal hiring process in some cases can be more effective than formal communications. By being underinformed, some disadvantaged groups may not find out about Federal job opportunities at all. In the current highly competitive Federal job market, on the other hand, active job information campaigns can produce a high level of expectation among a large public for relatively few job openings.

COIN is designed to provide on-the-job exposure to the programs and activities of Federal Job Information Centers for community organization employees or volunteers. They will be paid for serving on a short-term basis. Three CSC regional offices will be selected to participate in the program.

The participating regional offices will select several CSC Area Offices to host the community organization representatives. Those Area Offices selected will be located in areas with large minority populations. A maximum of four community organization representatives will be selected in each participating region. Organizations will be selected on the basis of their interest and effectiveness in communicating Federal employment opportunity information to the public, especially to minority groups.

Participants will be employed under a variety of appointing authorities and will work at least 20 hours per week. They are expected to become acquainted with merit system principles, the Federal employment process, the range of Federal opportunities available in the area, the qualification requirements for those jobs, primary staffing needs of local Federal installations, and resources available to them through the Federal Job Information Center after they leave. As a result of their experience, they should be able to discuss Federal employment opportunities more practically and realistically with their clientele.

At the end of the first three-month period, the CSC regional offices will submit reports on the effectiveness of the pilot and make recommendations for the continuation of the project. These reports will be reviewed and a decision made whether or not to recommend to the Commission that the project be permanently established nationwide.

The concept of the COIN Program was developed by the Civil Service Commission's Hispanic Employment Program Office. While the pilot effort will take place in the Commission, it is the hope of the Hispanic Employment Program Office that other Federal agencies which deal directly with the public will consider this concept of providing first-hand experience to community representatives in the operation of their programs.

Further information on COIN will be published in future issue of SPOTLIGHT.

SSP Becomes HEP

The Civil Service Commission has adopted a new name for the Government-wide Spanish Speaking Program. The new title, Hispanic Employment Program (HEP), encompasses more fully the nature of the goals and objectives of the program and embraces with general acceptance the various groups which comprise the Spanish-speaking minority.

The new program title covers the same Spanish heritage groups, defined in the same manner as they were under the Spanish Speaking Program. SSP Coordinators will now be referred to as Hispanic Employment Program Coordinators.

Federal Personnel Manual Letter 713-41, dated February 28, 1978, announces the new program title and notes that "Hispanic Employment Program" should not be taken so literally that other essential services to the Hispanic community not specifically related to the employment process are precluded.

The Director of the Hispanic Employment Program, Carlos Esparza, said, "We hope the change in the title imparts new visibility to the program, stresses its primary objective, and creates a new sense of awareness and dedication toward fuller employment opportunities for Hispanic Americans.

For further information contact Hispanic Employment Program, US Civil Service Commission, 1900 E Street, NW, Washington, D.C. 20415.

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Editor: Ed Shell
The Chairman of the U.S. Civil Service Commission has determined that the publication of this periodical is necessary in the transaction of public business required by law of this agency. Use of funds for printing of this periodical has been approved by the Director, Office of Management and Budget through March 31, 1980.

Upward Mobility the GSA Way

Norbert Cashwell, a 32 year old veteran of 13 years Federal service, including a three year hitch in the Navy, has worked hard for his upward mobility chance. Cashwell stated, "Who says there isn't opportunity for advancement in the Federal Government? I'm extremely excited about the potential of my new career field. In fact, just a few months ago I was a GS-5 in a field that, in the immediate future, held limited advancement possibilities for me with little chance for self improvement. Now, I am in a trainee program, and when I have successfully completed it in three or four years, I will be eligible for a GS-12 grade with key responsibility in serving my government." Cashwell is a public utility specialist trainee in the Federal Supply Services' Office of Transportation and Public Utility at the General Services Administration.

Five or six years ago when Cashwell was working full time as a Federal Protective Service Officer on a midnight to 8 a.m. shift, he began his own "operation bootstrap" with the priority being a good education. He applied to Federal City College for a full schedule in business administration; five years later he was granted a Bachelor of Science degree in business administration.

Cashwell realized that foreseeable advancement was doubtful in his career field, so he began to search other areas for potential advancement to professional status. After months of interviews with a wide range of managers throughout the GSA, Cashwell was competitively selected as a public utility specialist trainee. These specialists have the primary responsibility for Government-wide public utility contracting. They perform delicate contracting negotiations which require them to statistically and economically analyze utilities' construction costs, connection charges and rates accurately and comprehensively.

Cashwell is in the career advancement training component of GSA's upward mobility program. The first year of the program includes intense on-the-job training interspersed with formal classroom sessions. Training areas include economic analysis and statistics, research for contracts, different types of contracts, implications of laws and administrative regulations, construction costs, connection charges and rates, and basic procurement.

Upon successful completion of this year-long training program, a panel will convene to make recommendations as to Cashwell's promotion to the target position as a GS-7. Then, when three or four years of further training are successfully completed and performance requirements are met, Cashwell's efforts will be rewarded as he becomes a member of the profession of public utility specialists.

GSA's upward mobility program is open to all full-time career or career-conditional GSA employees in grades GS-1 through 8 (except those in career intern entry positions) and all equivalent wage system employees. A percentage of vacated positions are set aside for target jobs for upward mobility purposes annually along with the necessary funds for program implementation.

The upward mobility coordinator yearly issues announcements to all GSA employees explaining the purpose, scope and goals of the upward mobility program and the methods of applying for the various phases of the program.

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Career counseling is made available to all eligible employees on an on-going basis. In the initial counseling sessions an assessment of the employees' skills and interests is made and related to the needs of the agency. Individual training plans are developed for each participant, with the counselors coordinating with managers and supervisors in the development of those plans.

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Cashwell (left) shown with George Walker, a professional public utility specialist, Office of Transportation and Public Utility, FSS, as he undergoes on-the-scene training at a public utility plant.

ADO

wrong doing on the official's part which may arise during the course of an investigation or hearing.

"This policy was several months in being adopted but we believe that we have moved the balance a bit in the direction which will guarantee greater justice," said Chairman Campbell.

According to the FPM Letter, the agency must provide the ADO a copy of the agency's final decision on a complaint. If the agency decision denies or rejects the complainant's allegations against the ADO, the ADO should not be given access to the entire complaint file. If the agency decision concludes or implies impropriety on the part of the ADO, the entire complaint file (with names and identifying information deleted where appropriate, to avoid unwarranted invasion of privacy) must be made available for his or her review. If the agency takes or proposes adverse action or disciplinary action against the official based on evidence developed in connection with the processing of the complaint, the entire complaint file without deletions must be made available for his or her review.

The instruction points out that it is essential to the integrity of the complaint system that complainants, their representatives and witnesses be free from restraint, interference, coercion, discrimination or reprisal at any stage of the complaints process. In light of the broadened role for ADO's provided for in the instructions, agencies are reminded that they must insure, through training and other means of communication, that supervisory and management personnel are knowledgeable about the regulatory provisions in this regard, and understand the need to observe the spirit as well as the letter of the regulations.

The basic concept of these new guidelines assures that persons named as ADO's are informed regarding any allegations made against them, are given a full and fair opportunity to respond to the record and kept informed as to the progress and outcome of cases.

Federal employees who are interested in further information may contact their personnel offices to review FPM Letter 713-42, dated March 13, 1978.

GSA

The heart of the GSA upward mobility program is the entry crossover program. It has a basic objective of moving dead-ended, low-skilled employees with potential into occupational areas that will provide for career advancement.

Competitive selections into the program are made through merit selection procedures, as outlined in the appropriate training agreement. Trainees are evaluated quarterly by their supervisors and the evaluations are discussed with the counselor and the employee.

Trainees who do not complete the program satisfactorily or who wish to withdraw voluntarily from the program are returned to their previous positions or to positions of equal grade level and responsibility.

Another aspect of GSA's overall program is the career training program, which is the "select now, train now, place later" component. It is designed to assist an employee to meet minimal requirements in the qualifications standards for white-collar positions under the General Schedule. Career training is integrated with agency manpower and staffing plans.

The upward mobility program at GSA was implemented on October 1, 1976. It follows the merit promotion system. The program is concerned with reaching those employees with the most potential.

For more information on GSA's upward mobility program contract, GSA Upward Mobility Development System Manager (BPE), Washington, D.C. 20405.

Handicap

the Equal Employment Opportunity Act, and the Age Discrimination in Employment Act. Therefore, there is no statutory authority to authorize backpay entitlement to applicants, and there is no specific statutory authority governing lawsuits involving discrimination based on handicap (any such court action would have to proceed under other general jurisdictional statues).

The CSC has prepared a training module for use in instructing agency personnel in the new procedure. Single copies of the 1½ to 2 hour module can be obtained from the Office of Selective Placement, CSC, 1900 E St., NW., Washington, DC 20415. The module will be incorporated into ongoing EEO training courses offered by CSC's Bureau of Training and Regional Training Centers.

Federal employees should check with their personnel offices to review a copy of FPM Letter 713-43, dated April 17, 1978, for more information.

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